

Dispute Resolution . . .

Occupational Disease Panel

Mediation

Contested Case Hearings

Workers' Compensation Court

Occupational Disease Panel

The Claims Unit of the Employment Relations Division (ERD) is responsible for the occupational disease (OD) panel process. The panel process is designed to determine compensability of claims under the OD statutes when an insurer has not accepted liability for the claim. The process is used to determine whether a claimant's condition is a result of the employment.

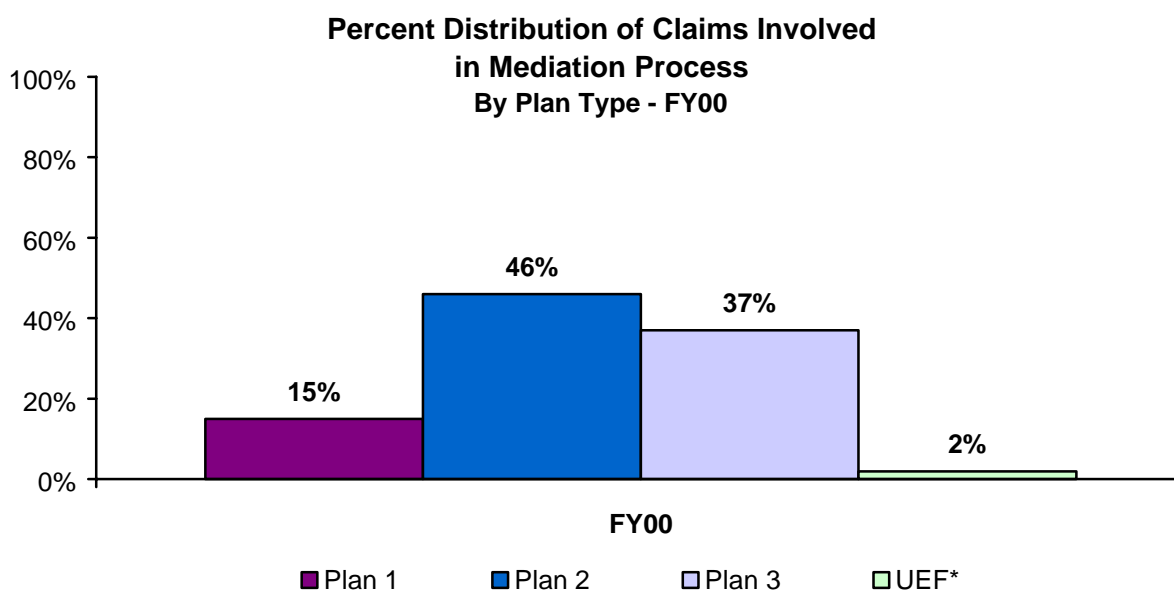
The process requires the claimant to attend a medical evaluation directed by the department. The medical evaluator submits a report of findings to the department. A copy of the report is then sent to the claimant and the insurer for determination.

Disputes over the determination are considered a dispute that after mediation, is subject to the jurisdiction of the workers' compensation court.

OD Cases Processed by Plan	
Plan	FY00
Plan 1	47
Plan 2	87
Plan 3	58
Total	192

Mediation

The Workers' Compensation Mediation Unit of the Employment Relations Division provides a mandatory process for resolving disputes dealing with benefits for both occupational injury and occupational disease claims. The mediation process is confidential, non-binding, and informal. The mediator facilitates the exchange of information between the parties and assists with solutions aimed at resolving the dispute. Conferences are held either in person in Helena or by telephone conference. Often, more than one conference is held in order to resolve the disputes on a claim. In Fiscal Year 2000, the Mediation Unit received and processed 1,169 petitions, which involved 1,303 claims.



Notes:

*UEF means Uninsured Employers Fund.

**Percent Distribution of Claims Involved
in Mediation Process
By Plan & Fiscal Year**

	FY96	FY97	FY98	FY99	FY00
Plan 1	14%	13%	16%	15%	15%
Plan 2	31%	34%	35%	39%	46%
Plan 3	53%	50%	46%	44%	37%
UEF*	2%	3%	3%	2%	2%
Total	100%	100%	100%	100%	100%
Total Count	858	857	913	1,182	1,303

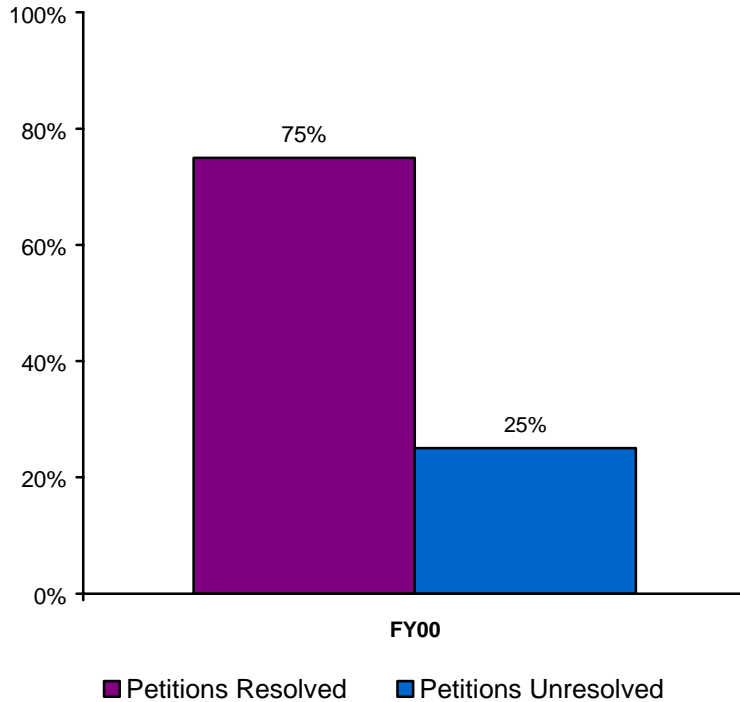
Notes:

*UEF means Uninsured Employers Fund.

Prior to fiscal year 1999 we were unable to track multiple plan numbers or claims; therefore total counts for these years are incomplete.

Total Count represents number of claims, not number of petitions.

**Percent Distribution of Petitions Resolved
in FY00**



- Over the past 5 years Mediation has had an approximate resolution rate of 78%.
- Mediation took an average of 38 days to complete a case for which a conference was held and a written recommendation issued.

**Distribution of Petitions Received
By Fiscal Year**

Petitions Received	FY96		FY97		FY98		FY99		FY00	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Pending	1	0.1%	1	0.1%	18	2%	6	1%	142	12%
Closed	857	99.9%	856	99.9%	895	98%	1,084	99%	1,027	88%
Total Petitions Received	858	100%	857	100%	913	100%	1,090	100%	1,169	100%
Resolved	680	79%	678	79%	706	79%	865	80%	774	75%
Unresolved	177	21%	178	21%	189	21%	219	20%	253	25%
Total Petitions Closed	857	100%	856	100%	895	100%	1,084	100%	1,027	100%

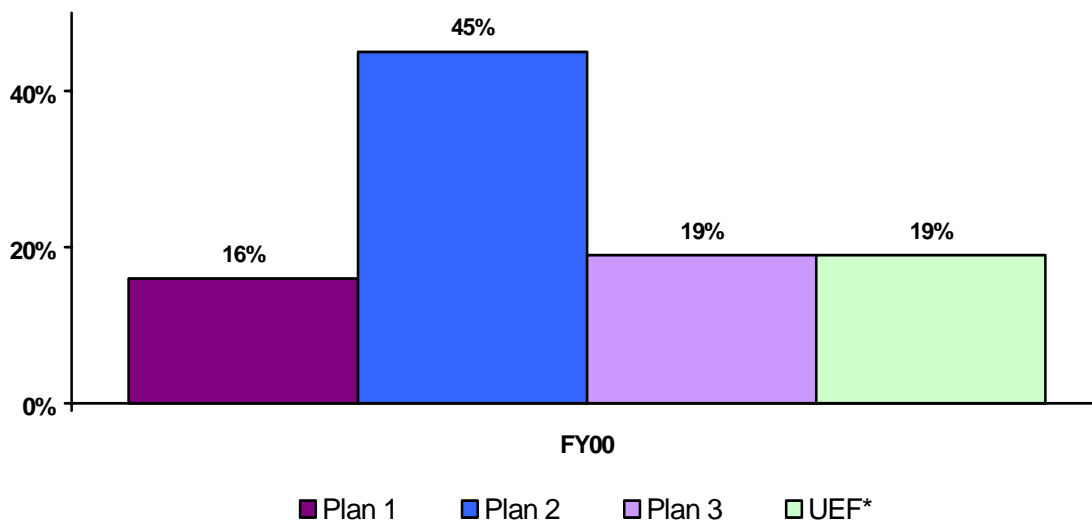
Notes:

*Eventual outcome of pending petitions will affect percent resolved.
A single petition may include multiple claims and/or multiple insurers.

Contested Case Hearings

The Department of Labor and Industry's Hearings Bureau holds contested case hearings. Disputes heard at contested case hearings include appeals from orders and determinations issued by ERD, assessments of penalties for uninsured employer, medical disputes between providers and insurers when payments to the claimant are not an issue, and regulation of attorney fees. The numbers of cases being heard by the Hearings Bureau has been declining since Fiscal Year 1998, when the Legislature transferred responsibility for hearing occupational disease claims to the Workers' Compensation Court. For Fiscal Year 2000 the Hearings Bureau received 31 requests for contested case hearings. Thirty-eight petitions had been closed or settled as of 6/30/00.

**Percent Distribution of Petitions Received
By Plan Type - FY00**



**Distribution of Petitions Received
By Plan Type**

	FY96		FY97		FY98		FY99		FY00	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Plan 1	12	10%	10	8%	12	11%	16	23%	5	16%
Plan 2	28	22%	32	27%	43	38%	21	30%	14	45%
Plan 3	57	46%	48	40%	33	29%	14	20%	6	19%
UEF ¹	28	22%	30	25%	26	23%	18	26%	6	19%
Underinsured*	1	0%	1	0%	NA	NA	NA	NA	NA	NA
Total**	126	100%	121	100%	114	100%	69	100%**	31	100%

Notes:

*Underinsured was repealed in 1997.

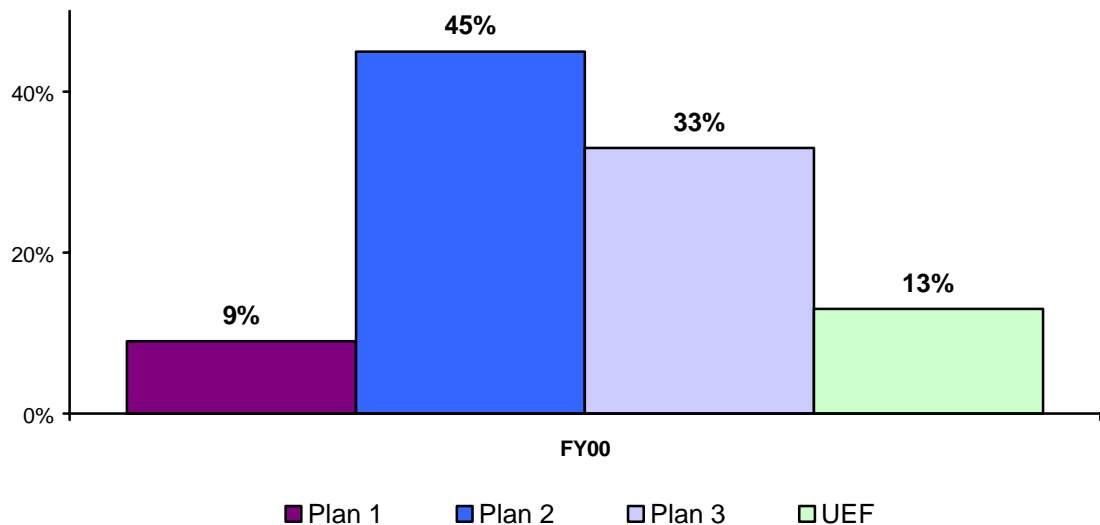
**Columns may not sum 100% due to rounding.

¹UEF means Uninsured Employers Fund.

Workers' Compensation Court

The Workers' Compensation Court resolves disputes between insurers/employers and injured workers, and for workers disabled as a result of an occupational disease. The Court has original jurisdiction over benefit issues under the Workers' Compensation Act and the Occupational Disease Act. For an injury occurring after July 1, 1987, the controversy must first be mediated. In cases of original jurisdiction the Court holds a trial. The Court has appellate jurisdiction over decisions of the Department of Labor and Industry involving other workers' compensation and occupational disease controversies. Additionally, the Court conducts judicial review over decisions of the Classification and Review Committee (Commissioner of Insurance) regarding classification of employees.

**Percent Distribution of Petitions Received
by Plan Type - FY00**



**Distribution of Petitions Received
By Plan Type**

	FY96		FY97		FY98		FY99		FY00	
Plan Type	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Plan 1	23	10%	20*	10%	18*	7%	18*	7%	23*	9%
Plan 2	102	45%	92*	44%	98*	40%	136*	50%	118*	45%
Plan 3	98	43%	89*	43%	116*	47%	95*	35%	86*	33%
SIF ¹	1	0%**	0	-	1	0%**	0	-	0	-
UEF ²	4	2%	6*	3%	13*	5%	21*	8%	34*	13%
Total by Plan	228	100%	207*	100%	246*	100%	270*	100%	261*	100%
Total Cases	228	100%	202	100%	235	100%	266	100%	255	100%

Notes:

*Petitions involving more than one plan account for the higher totals.

** Less than one percent.

¹SIF means Subsequent Injury Fund.

²UEF means Uninsured Employer Fund.

Distribution of Decisions By Fiscal Year

	FY96	FY97	FY98	FY99	FY00
Bench Rulings w/out written decisions	2	1	2	3	1
Decisions	61	52	45	61	66
Orders on Appeal	15	5	9	4	8
Substantive Orders	38	40	52	22	36
Attorney Fee Orders	9	6	3	2	1
Orders on Cost	11	9	8	13	5
Disposed of by Telephonic Conference	--	6	6	-	-
Subtotals	136	119	125	108	117
Petitions Dismissed by Agreement	157	135	155	157	175
Totals	293	254	280	265	292

